

### **REMARKS/ARGUMENTS**

The present application contains claims 3-6, 8, 12, 16, 18, 21, 25, 27-29 and 37. Claim 27 is an independent claim and all the other claims depend from claim 27. Claim 27 is hereby amended to incorporate the limitations of claim 37. Claim 27 as amended specifies that the anesthetic agent is selected from bupivacaine, lidocaine, tetracaine, or etidocaine. Claim 37 is hereby canceled.

In the Office Communication of July 27, 2006, the Examiner asserts that the reply filed on May 15, 2006 is not fully responsive because the claims were drawn to a non-elected invention. Applicants respectfully traverse this rejection. In the Office Action mailed May 17, 2005, the Examiner restricted the claims into Group I (claims 1-29), drawn to a lipid emulsion and methods of using the lipid emulsion to remove toxins from the bloodstream, and Group II (claims 30-35), drawn to a delivery device. Applicants elected prosecution of Group I. The present claims are also drawn to methods of using a lipid emulsion. The lipid emulsions recited in the present claims fall within the scope of the lipid emulsion defined in the originally elected claims. The present claims have also been amended to be narrower in scope than the originally elected claims. Accordingly, Applicants believe the presently amended claims are drawn to the elected invention and request reconsideration of the claims.

In a telephone conversation on July 17<sup>th</sup>, the Examiner indicated that claim 27 as presented in the reply filed on May 15, 2006 was likely too broad and unsupported by the specification. In particular, the Examiner stated that claim 27 should be limited to specific anesthetic agents as recited in claim 37. Applicants do not agree with the Examiner's assessment but in the interest of advancing prosecution have amended claim 27 to incorporate the limitations of dependent claim 37. It is believed the amended claims are in condition for allowance. Applicants would like to thank the Examiner for his time and attention in discussing this matter.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested. If there are further issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed no fees are required with this submission. If this is incorrect, however, please deduct from Deposit Account No. 07-1969 the appropriate fee for this submission and any extension of time required.

Respectfully submitted,  
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